

REMARKS

Claim 138 has been amended. Support for the claim amendments may be found throughout the specification, for example at p. 117-121. No new matter has been added.

Claims 174 and 176 have been canceled.

Applicants respectfully request the consideration of the species FveR27A once the search for the elected species Der p 2 and FveT29A is complete.

Claims 138, 173, 175, 177 and 180-181 are pending.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. § 112, first paragraph

Enablement

The Examiner has rejected claims 138, 173-177 and 180-181 under 35 U.S.C. § 112, first paragraph, for lack of enablement.” See Office Action, page 2. Claims 173-177 and 180-181 depend from independent claim 138. Not in acquiescence to the rejection but in an effort to expedite prosecution, claims 174 and 176 have been cancelled thus rendering this rejection moot with respect to those claims.

The Examiner states that “the specification, while being enabling for: a method for producing the fusion proteins of SEQ ID NO: 44 and 46 using nucleic acids, vectors and host cells, does not provide reasonable enablement for: a method for producing a polypeptide capable of stimulating an immune response against a molecule” (original emphasis). See Office Action, pages 2-3. The Examiner further states that “[i]t is the Examiner’s position that the specification discloses in the Appendix on p. 165 the fusion proteins of SEQ ID NO: 44 and 46 and in a method for their production in Example 13 on pages 117-121 and Figure 16.” See Office Action at p. 4.

Not in acquiescence to the rejection but in an effort to expedite prosecution, Applicants have amended independent claim 138 to relate to a method for producing a fusion protein of SEQ ID NO: 44 or 46, the method comprising: (a) providing a host cell comprising an expression vector containing a nucleic acid sequence encoding the fusion protein of SEQ ID NO: 44 or 46; (b) expressing the encoded fusion protein; and (c) recovering the fusion protein. As stated by the Examiner, a method of making a fusion protein of SEQ ID NO: 44 or 46 is enabled by the disclosure on pages 117-121 of the Specification. Accordingly, amended claim 138 now

recites the necessary elements for expression of a fusion protein of SED ID NO: 44 or 46 using nucleic acids.

It is clear from the above that the specification describes the invention in sufficient detail to enable a person skilled in the art to make the invention. Applicants therefore submit that claim 138 and dependent claims are sufficiently enabled by the specification as filed. Applicants respectfully request reconsideration and the withdrawal of this rejection.

Written Description

The Examiner has rejected claims 138, 173-177 and 180-181 under 35 U.S.C. § 112, first paragraph, "as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." See Office Action, page 5. Not in acquiescence to the rejection but in an effort to expedite prosecution, claims 174 and 176 have been cancelled thus rendering this rejection moot with respect to those claims.

The Examiner states that "Applicant is in possession of: a method for producing the fusion proteins of SEQ ID NO: 44 and 4 [sic] using nucleic acids, vectors and host cells" (original emphasis). See Office Action, page 7. Not in acquiescence to the rejection but in an effort to expedite prosecution, Applicants have amended independent claim 138 to relate to a method for producing a fusion protein of SEQ ID NO: 44 or 46, the method comprising: (a) providing a host cell comprising an expression vector containing a nucleic acid sequence encoding the fusion protein of SEQ ID NO: 44 or 46; (b) expressing the encoded fusion protein; and (c) recovering the fusion protein. As stated by the Examiner, a method of making a fusion protein of SEQ ID NO: 44 or 46 is within the possession of the Applicant, demonstrated on pages 117-121 of the Specification.

Accordingly, the specification sufficiently describes the claimed invention in full, clear, concise and exact terms and satisfies the written description requirement of 35 U.S.C. § 112, first paragraph. Thus Applicants respectfully request reconsideration and withdrawal of this rejection with respect to claim 138 and dependent claims thereof.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims now pending are in

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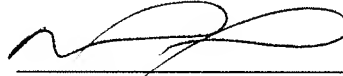
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condition for allowance. Should any further fees be required by the present Reply, the Commissioner is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,

Date: 3-7-11

Customer Number: 27890
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Tel: 202-429-3000
Fax: 202-429-3902



Harold H. Fox
Reg. No. 41,498